



INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

OFFICE OF THE COMMISSIONER
UNITED STATES SECTION

Dale Hoffman-Floerke
Salton Sea PEIR Comments
Department of Water Resources
Colorado River & Salton Sea Office
1416 9th Street, Room 1148-6
Sacramento, California 95814

Dear Ms. Hoffman-Floerke:

Thank you for the opportunity to comment on The California Resources Agency Draft Programmatic Environmental Impact Report (Draft PEIR) titled "Salton Sea Ecosystem Restoration Program," dated October 2006. The United States Section, International Boundary and Water Commission (USIBWC) is charged through various treaties and international agreements to evaluate the relationship of projects to international obligations of the United States (U.S.). Under Article 3 of the Treaty of February 3, 1944 Water Treaty for the "utilization of waters of the Colorado and Tijuana Rivers and of the Rio Grande," the two governments entrusted the International Boundary and Water Commission to give preferential attention to the solution of all border sanitation problems. The following comments and information are enclosed for your consideration.

The International Boundary and Water Commission is responsible for applying the boundary and water treaties between the two countries and settling differences that arise in the application of the treaties. The United States Section carries out the activities in the U.S. resulting from obligations and rights assumed with the Government of Mexico in accordance with these treaties and related agreements. The USIBWC duties include review of projects on resources in the U.S. and effects potentially crossing into Mexico.

Within the Salton Sea watershed, the Treaty Relating to the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande (1944 Water Treaty) and several related agreements merit consideration. As noted in the Draft PEIR, in accordance with the 1944 Water Treaty, the U.S. delivers 1.5 million acre-feet of Colorado River water annually to Mexico. When there is water surplus to U.S. uses, an additional volume of up to 200,000 acre-feet/year may be delivered. The 1944 Water Treaty also authorized the Commission to give preferential attention to the solution of border sanitation problems; as per this authority, the Commission has been involved in addressing the sanitation issues in Mexicali, which affect water quality in the New River.

Minute No. 242, a binding agreement of the International Boundary and Water Commission, United States and Mexico, controls the salinity of Colorado River water delivered to Mexico. The Minute also provides for limits on groundwater pumping within five miles of the international boundary near San Luis, Arizona, and for consultations between the two countries prior to undertaking any new development of the surface or groundwater resources, or undertaking substantial modifications of present developments in the border area, that might adversely impact the other country.

Commission Minute No. 306 provides for cooperation between the two countries in the development of studies and recommendations regarding the ecology of the Colorado River limitrophe and delta.


These agreements are all available on the USIBWC web page at www.ibwc.state.gov.

The Draft PEIR notes that the alternatives analyzed in the Draft PEIR rely in part on inflows from two transboundary tributaries – the New and Alamo Rivers. The Draft PEIR appropriately considers that inflow from these sources may change in the future due to changes in water infrastructure and use in Mexico. It should also be pointed out that there is no requirement under existing international agreement for Mexico to assure flow to the U.S. on the New and Alamo Rivers.

The USIBWC is the primary federal agency responsible for promoting the identification, investigation, and resolution of transboundary and boundary water technical issues along the U.S. and Mexico border region. The USIBWC carries out its statutory responsibilities through binational cooperation and in partnership with other entities. The U.S. Government gives limited technical investigative authority to USIBWC. The existing condition and proposed project options use water and the estuaries from the transboundary tributaries – the New and Alamo Rivers. Based on statutes; under this authority, USIBWC asks that development in the U.S. near the international water boundary not alter existing surface drainage patterns and design flow capacities and characteristics. In reviewing projects, the USIBWC also considers whether flows at the international boundary could be obstructed or deflected, potentially causing damage to lands and resources in the other country. For this reason, the USIBWC requests that projects undertaken in the U.S. not change the historic surface runoff characteristics at the international boundary, such as increasing, concentrating, or relocating streams and overland drainage flows in a way that could damage lands or resources in either country.

Please keep the USIBWC informed of any future projects that may occur near the international border. Thank you again for the opportunity to review and comment on the Draft PEIR. If you have any questions regarding these comments, please call me at (915) 832-4702 or contact R. Steve Fox, Environmental Protection Specialist, at (915) 832-4736.

Sincerely,



Gilbert G. Anaya
Supervisory Environmental Protection Specialist
Environmental Management Division

Attachment:
As Stated

USIBWC Comments on The Resources Agency's Draft Programmatic Environmental Impact Report "Salton Sea Ecosystem Restoration Program," October 2006

1. Executive Summary. Page 4, last paragraph. Delete "Gulf of Mexico" and insert "Gulf of California."
2. Page 2-26 of "5 Chapter 2 Development of Alternatives.pdf," Line 29. Revise "governments in Mexico" to "agencies in Mexico."
3. Page 5-5 of "8 Chapter 5 Surface Water Resources.pdf," Federal Regulations section, Paragraph 1. The author of the Draft Programmatic Environmental Impact Report uses "EPA" although the acronym "USEPA" was established.
4. Page 5-9 of "8 Chapter 5 Surface Water Resources.pdf," "Inflows from Mexico" section.
 - Paragraph 1, Line 6. Misquote. Delete "satisfy" and insert "supply."
 - Paragraph 1, Line 7. Consider deleting "Morelos Dam" and inserting "Morelos Diversion Dam (Morelos Dam)."
 - Paragraph 1, Lines 6-9. Consider deleting "flood waters" and inserting "occasional high flows." Recommended is rewording and using portions of the following: Upstream of Morelos Dam, the main river channel carries water that is delivered to Mexico pursuant to the 1944 Water Treaty, along with occasional high flows. Normally all of these water deliveries are diverted into Mexico's Reforma Canal at Morelos Dam.
 - Paragraph 2. Delete the last "and" from the sentence "Agricultural return flows and municipal and industrial wastewater effluent flow from Mexico to the New and Alamo rivers and become part of the Salton Sea inflows."
5. Page 5-10 of "8 Chapter 5 Surface Water Resources.pdf."
 - Top of page, Line 4. Insert "Section," after the words "United States." Also, do this in the references and acronyms sections and Appendix H-2, Hydrology and Hydrologic Models, Pages H2-10 and H2-112.
 - Inflows from the Imperial Valley section, Paragraph 2, Line 2. Insert "Canal" after "All-American."
6. Page H2-10, paragraph 3. The first sentence seems to be missing a word. In the same paragraph, insert "Section of the" after "United States" so it should read, "United States Section of the International Boundary and Water Commission..."